

REMARKS

Reconsideration and allowance of the above-identified Application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1, 3-4, 6-7, 9, 12-24, and 26-28 are pending in the Application. Claims 3, 4, 9 and 12-24 have been withdrawn from consideration. Claims 1 and 26 have been amended herein.

Specification

Applicant has made a diligent effort to review the specification for the presence of any error. Applicant, however, respectfully requests the Examiner to point out any error that he may become aware of.

Suggestions

Applicant thanks the Examiner for the suggestion to correct minor clerical errors. Accordingly, Applicants have amended claim 26 and changed the phrase “an image of the first objective lens and the second objective lens” to “an image of the first objective lens or the second objective lens.”

Claim Rejections – 35 U.S.C. § 103

Claims 1, 6, 26 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Otaki (Japanese reference No. 11-218679). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 1 has been amended to recite “wherein at least one of the first polarizing member and the second polarizing member is configured to change a distance therefrom to the position of localized fringes, in accordance with an interchange between the first objective lens and the second objective lens, by changing a tilt attitude thereof while remaining disposed at the first position or the second position, so that the two linearly polarized components are combined on substantially a same path even if the interchange between the first objective lens and the second objective lens takes place, the tilt attitude being defined as an angle formed by a normal to an outside surface of the at least one of the first polarizing member and the second polarizing member and an optical axis of the first objective lens or of the second objective lens.”

Claim 26 has been amended to recite “the second polarizing member being configured to change a distance therefrom to a position of localized fringes, in accordance with an interchange

between the first objective lens and the second objective lens, by changing a tilt attitude, thereof while remaining disposed at the first position, so that the two linearly polarized components are combined on substantially a same path after passing through the first objective lens or the second objective lens even if the interchange between the first objective lens and the second objective lens takes place, the tilt attitude being defined as an angle formed by a normal to an outside surface of the second polarizing member and an optical axis of the first objective lens or of the second objective lens.”

When replacing, i.e., interchanging, the first objective lens and the second objective lens a shift of the back focal position occurs. In order to compensate for the shift of the back focal position, a tilt attitude of the first polarizing member or the second polarizing member is changed while the first polarizing member or the second polarizing member remains disposed along the optical axis at the first position or the second position. In this way, the two linearly polarized components are combined on substantially a same path even if the interchange between the first objective lens and the second objective lens takes place. The tilt attitude is defined as an angle formed by a normal to an outside surface of the at least one of the first polarizing member and the second polarizing member and an optical axis of the first objective lens or of the second objective lens.

In contrast, Otaki fails to disclose, teach or suggest that the polarizing member changes its tilt attitude while its position remains unchanged, i.e. disposed at a same position.

Therefore, Applicant respectfully submits that claims 1 and 26, and claims 6 and 27 which depend from claim 1 and claim 26, respectively, are patentable. Thus, Applicant respectfully requests that the rejection of claims 1, 6, 26 and 27 under § 103(a) be withdrawn.

Claims 1, 6, 26 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi (U.S. Patent No. 4,964,707) in view of Otaki. Applicant respectfully traverses this rejection for at least the following reasons.

As recited in claim 1, at least one of the first polarizing member and the second polarizing member is configured to change a distance therefrom to the position of localized fringes, in accordance with an interchange between the first objective lens and the second objective lens, by changing a tilt attitude thereof while remaining disposed at the first position or the second position, so that the two linearly polarized components are combined on substantially a same path even if the interchange between the first objective lens and the second objective lens takes place, the tilt attitude being defined as an angle formed by a normal to an outside surface

of the at least one of the first polarizing member and the second polarizing member and an optical axis of the first objective lens or of the second objective lens.

Similarly, as recited in claim 26, the second polarizing member is configured to change a distance therefrom to a position of localized fringes, in accordance with an interchange between the first objective lens and the second objective lens, by changing a tilt attitude thereof while remaining disposed at the first position, so that the two linearly polarized components are combined on substantially a same path after passing through the first objective lens or the second objective lens even if the interchange between the first objective lens and the second objective lens takes place, the tilt attitude being defined as an angle formed by a normal to an outside surface of the second polarizing member and an optical axis of the first objective lens or of the second objective lens.

Therefore, in order to compensate for shift of the back focal position caused by replacement of the objective lenses, the first polarizing member or the second polarizing member changes its tilt, while its position (i.e., first position or second position) remains unchanged. As a result, the two linearly polarized components are combined on substantially a same path even if the interchange between the first objective lens and the second objective lens takes place.

In contrast, Hayashi merely discloses that the tilt is changed for improving image quality. Hayashi fails to disclose that the polarizing member changes its tilt attitude in accordance with a change of the back focal position caused by replacement of objective lenses while its position along the optical axis (first position or second position) remains unchanged.

As stated above, Otaki fails to disclose, teach or suggest that the polarizing member changes its tilt attitude while its position, i.e., first position or second position, remains unchanged. Consequently, neither Hayashi nor Otaki, taken alone or in combination, disclose, teach or suggest the subject matter recited in claim 1.

Therefore, Applicant respectfully submits that claims 1 and 26, and claims 6 and 27 which depend from claim 1 and claim 26, respectively, are patentable. Thus, Applicant respectfully requests that the rejection of claims 1, 6, 26 and 27 under § 103(a) be withdrawn.

CONCLUSION

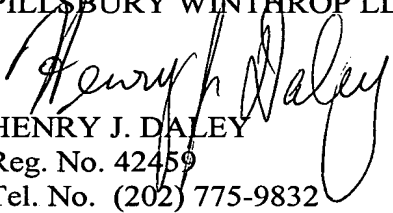
In view of the foregoing, the claims are now in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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